

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR HANCOCK COUNTY)

Case No. 30S00-1304-MS- 351

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Hancock Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Hancock Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR30-TR76-2, LR30-CR2.2-1 and LR30-AR15-1 comply with the requirements of Ind. Trial Rule 79, Ind. Criminal Rule 2.2, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Hancock County Local Rules, LR30-TR76-2, LR30-CR2.2-1 and LR30-AR15-1, set forth as an attachment to this Order, are approved effective May 1, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Richard D. Culver, Hancock Circuit Court, 9 East Main Street, #302, Greenfield, IN 46140-2320; the Hon. Dan E. Marshall, Hancock Superior Court 2, 9 East Main Street, #106, Greenfield, IN 46140-2320; the Hon. Terry K. Snow, Hancock Superior Court 1, 9 East Main Street, #303, Greenfield, IN 46140-2320; to the Clerk of the Hancock Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Hancock Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and

attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on ~~April~~ ^{MAY} 13, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR 30-AR15-1 Court Reporter Services

Section 1 - Definitions

The definitions contained in Administrative Rule 15(B) are adopted for use in this rule and control any question of interpretation. For the purposes of this rule, the regular hours worked by the court reporting staff shall be Monday through Friday from 8:00 a.m. until 4:00 p.m. with one hour for the noon meal. The workweek shall be a seven-day period commencing with Sunday and ending with the Saturday of each week and contain thirty-five hours for which salaried compensation is paid.

Section 2 - Compensation

A court reporter shall work directly under the control, direction and direct supervision of the court by which they are employed during all hours of employment. Each court reporter shall be paid an annual salary, as set by the court and approved by the county council, for regular hours worked during a workweek. Gap hours shall be separately compensated at a rate equivalent to the hourly rate of the yearly salary and overtime hours shall be separately compensated at a rate equivalent to one and one-half times the hourly rate of the yearly salary.

Section 3 - Duties and Responsibilities

The duties of a court reporter shall include:

- a. reporting the evidence presented in proceedings before the court,
- b. preservation and storage of any physical evidence presented in court proceedings,
- c. preparation of chronological case summary entries at the direction of the court and providing notice thereof as required by the rules of trial procedure,
- d. preparation of written documents to effectuate the rulings, orders and judgments of the court or comply with the rules of the Indiana supreme court,
- e. preparation of transcripts of evidence presented in court proceedings requested pursuant to the rules of trial procedure and
- f. such other functions and responsibilities as required by law or the court for its effective administration.

Section 4 - Transcript Preparation

A reporter shall prepare transcripts of evidence only during regular hours unless requested or ordered to do so by the court, the Indiana Court of Appeals or the Indiana Supreme Court. If a transcript cannot be completed during regular hours due to applicable appellate deadlines, the reporter shall receive additional salary as follows: gap hours shall be paid in the amount equal to the hourly rate of the annual salary, overtime hours shall be paid in the amount of one and one-half times the hourly rate of the annual salary; or compensatory time off shall be given weighted in the same manner. The manner of the provision of such additional salary or time off shall be determined by a written agreement to be freely negotiated and executed between the court and the reporter.

Section 5 - Private Practice

A reporter may elect to engage in the private practice of court reporting, i.e., the recording of and preparation of deposition transcripts; but such activity, regardless of whether the deposition concerns a cause pending before the court, shall be conducted outside of regular hours. If a reporter, in exercise of such private practice, utilizes, with the consent of the court, its facilities, equipment and/or supplies, the reporter shall reimburse the court for such usage pursuant to a written agreement between the court and reporter. Such agreement shall establish the:

- a. reasonable market rate for the use of the equipment, facilities and supplies,
- b. method by which records are kept for the use of the same and
- c. method by which the reporter shall reimburse the court for such usage.

Section 6 - Maximum per Page Fees*

The reporter shall not charge more than the following rates per page:

- A. Private practice work:
 1. Depositions taken by private counsel:
 - a. \$4.00 for originals; and,
 - b. \$2.25 for copies
 2. Depositions taken by pauper counsel:
 - a. \$3.50 for originals; and,
 - b. \$2.00 for copies
- B. Private transcripts of evidence
 1. Cases with private counsel:
 - a. \$5.00 for originals; and,
 - b. \$2.85 for copies
 2. Cases with pauper counsel:
 - a. \$5.00 for originals; and,
 - b. \$2.00 for copies

Section 7 - Annual Report

A court reporter shall annually report all transcript and deposition fees received to the Office of State Court Administration on such forms as may be prescribed.

(As amended and approved effective April 1, 2010; and further amended May 1, 2013)

LR 30-CR2.2-1 Assignment of Felony and Misdemeanor Cases

Section 1 – Definitions

A misdemeanor case may include a charged infraction but not a felony.

A felony case may include both misdemeanors and infractions in addition to the charged felony. A felony case shall be deemed to be a felony case of the highest class alleged in the information or indictment.

Section 2 – Case Assignment upon Filing

Immediately upon the filing of a case the Prosecuting Attorney shall deliver the file to the appropriate court and advise the court as to whether the defendant is in custody.

The following offenses shall be filed only in Hancock Superior Court No. 2:
Ordinance Violations,
Infractions,
Misdemeanors,
Class D felonies defined by IC-9 [OWI OR HTO felonies],
Class D felonies defined by IC 35-46-1-4 [Neglect of a Dependent] if joined with a violation of IC 9-30-5-1 through IC 9-30-5-5 [OWI as a misdemeanor or felony],
Class D felonies defined by IC 35-46-1-5 [Non-Support of a Dependent],
Violations of IC 35-43-4-2 [Theft] if the value of the property is less than One Hundred Dollars (\$100.00),
Violations of IC 35-44-3-3(b)(1) [Resisting Law Enforcement as a Class D felony] and,
Class D felonies joinable with a filed criminal offense under IC-9 arising out of the same fact situation.

Class “D” felonies filed against other defendants arising out of the same fact situation as any of the above mentioned cases joinable by law shall also be filed in Hancock Superior Court No. 2. All other felony offenses shall be filed in either the Hancock Circuit Court or Hancock Superior Court No. 1 as hereinafter prescribed except Escape charged pursuant to IC 35-44-3-5 shall be filed in the same court which had sentenced or ordered the defendant held.

Offenses shall be filed in the Hancock Circuit Court and Hancock Superior Court No. 1 on an alternate basis within each year according to the date of the earliest offense alleged to have been committed on odd days of the month shall be filed in the Hancock Circuit Court and alleging the commission of offense on an even day of the month shall be filed in Hancock Superior Court No. 1.

If an information or indictment alleges a period of time for the commission of an offense rather than a single specific date, the case shall be filed according to the earliest month alleged. Cases involving offenses alleged to have been committed during odd months shall be filed in the Hancock Circuit Court and those alleging the commission of an

offense during an even month shall be filed in Hancock Superior Court No. 1. An information or indictment involving both specific alleged dates and period of time shall be filed as though it alleged specific dates only.

Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court. Juvenile Delinquency cases will be filed as civil cases, however if a juvenile has a pending or open case, a new case shall be filed in the same court as the existing case.

Section 3 – Refiling and/or Subsequent Filing

If the State of Indiana dismisses an information or indictment filed against a defendant, any subsequent refiling of such information or indictment charging the same and/or other offenses, arising out of the same underlying factual situation, shall be filed in the same court from which the dismissal was obtained.

Section 4 – Reassignment of Cases Due to Disqualification of the Judge

If the judge before whom a case is pending becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post Conviction Remedies, Recusal or the Code of Judicial Conduct, the procedures of **Indiana Judicial District Administrative Rule DR17-CR-00003** will be followed.

(As amended effective May 1, 2013)

LR 30-TR76-2 Selection of a Special Judge Pursuant to Trial Rule 79(H)

Section 1- Change of Judge in Civil Cases

Appointment of Special Judges in Civil Cases shall be conducted pursuant to **Indiana Judicial Administrative District Rule DR17 - TR79 - 00002**.

Section 2- Reserved

(As amended effective May 1, 2013)